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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
02/7411-017	03/12/86	HAROLD H. FRAZER	200.114080-TR

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EXAMINER	
ELSON, R.	
ART UNIT	PAPER NUMBER
120.	

DATE MAILED: 05/06/86

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 2/20/86 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449 4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6.

Part II SUMMARY OF ACTION

1. Claims 29-46 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 1-28 have been cancelled.

3. Claims 30-38 and 42 are allowed.

4. Claims 29, 39, 40, 41, 43-46 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).

10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved. disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received.

been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

Claims 29, 39, 40, 41, 43, 44, 45 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following reasons apply:

1. In claim 29 it is unclear what applicant intends by "lower aralkyl group" for R³ or R⁶. The art recognized meaning is an aryl group (unsubstituted phenyl) joined to the rest of the molecule by an alkyl bridge. In the specification on page 5 the definition of an aralkyl ester includes moieties not ordinarily associated with this term such as methoxybenzyl, aminobenzyl and phthalidyl. This being the case the term lower "aralkyl" is indefinite.

2. In claim 29 the term "lower alkylene group" for R³ should be "lower alkyl".

3. In claim 39, "aminothiazol" is misspelled.

4. Claims 39, 40, 43 and 44 are all single species claims, yet the moiety in the 3 position is not a single moiety. For example in claim 39 "triazolylthiomethyl" can mean several different moieties- 1, 2, 3, or 1, 2, 4 triazole and the triazole ring can be connected to the sulfur atom at different places around the ring.

5. In claim 41, "carboxylic" is misspelled.

Art Unit 128

Claims 30-38 and 42 are allowable over the prior art of record.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Robert Benson at telephone number 703-557-3920.



DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 128



Robert Benson:dm

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May 2, 1986